



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/09/02
AGENDA ITEM 5
WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Text Amendment No. 2002-0241 – Proposed Amendment to the Definitions of Hotel and Motel - David Davenport (Applicant)

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution, adopting the Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines, and introduce the attached ordinance subject to the attached findings.

DISCUSSION:

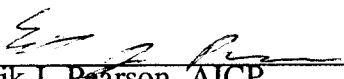
On June 13, 2002, the Planning Commission recommended approval of a Text Amendment changing the definition of 'hotel' to add a provision for extended lodging facilities. Extended Stay America is interested in building a hotel on the site of the existing vacant movie theater building at Southland Mall. Each of the guest rooms would have a small kitchen as the hotel caters to business travelers staying more than a few days. Hotel rooms are not now permitted to have cooking facilities.

The proposed definition of "extended lodging facility" would allow for cooking facilities, and requires a minimal level of services, including voicemail, self-service laundry facilities, recreational facilities, and regular linen service. Staff believes that these services should be required as the extended lodging facilities typically cater to a longer-term guest for whom the services would help create a home-like setting. The provision of these services is also beyond those normally provided by a permanent residential facility and would reduce the likelihood of a future transition to standard rental apartment housing. This proposal also makes a minor amendment to the "motel" and "hotel" definitions to make a uniform connection to the City's Transient Occupancy Tax Section of the Municipal Code regarding the maximum length of stay.


The Planning Commission recommendation passed with a vote of 5 to 1, with one absent. One Commissioner voted against the text amendment because of concerns that the new definition could potentially allow hotels to be converted into single-room occupancy apartments. Staff believes that the required amenities and operational standards that have been included in the proposed definition are sufficient to prevent an extended lodging facility from being used as an apartment building with long-term tenants.

The Planning Commission, at its meeting, received two letters (Exhibit B) from hotel operators expressing concerns about this proposal. These operators state that they already make adjustments for length of stay as necessary, that hotels may already provide the same services as proposed for extended lodging facilities, that there is no definition of "cooking facilities," and that the existing definitions for "hotel" and "motel" are obsolete. However, the proposed amendment does nothing to affect the operation of, or limit the services provided by, hotels and motels, and the existing definitions have not been prohibitive and need no change. This amendment is very focused in its intent to allow for a new category of hotel, the extended lodging facility, not currently permitted. Extended lodging facilities include kitchens, which, according to the Zoning Ordinance, contain a "permanent cooking appliance," such as a rangetop and/or oven; hotel wetbars with microwaves are not considered kitchens. The proposed reference to the Municipal Code does not change existing provisions, which already limit the length of stay at all lodging facilities to 30 days. An extended lodging facility would require the same permits required of a hotel by its zoning district.


Prepared by:


Erik J. Pearson, AICP
Associate Planner

Recommended by:


Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesus Armas, City Manager

Exhibits:

- A. Proposed Definitions (as approved by the Planning Commission on June 13, 2002)
 - B. Letters from other Hotels in Hayward
 - C. Planning Commission Minutes and Staff Report, dated June 13, 2002
- Draft Resolution
Draft Ordinance

7/05/02

(Revised) Proposed Definitions:

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human beings are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

1. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
2. Self-service laundry facilities shall be accessible to all guests.
3. Recreational facilities such as a pool, whirlpool/spa and/or fitness room shall be provided.
4. A 24-hour per day on-site supervisor shall be provided.
5. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.
6. Extended Lodging Facilities cannot be used for long-term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.
7. Extended lodging facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.



June 6, 2002

Planning Commission, City of Hayward
Hayward Planning Division
777 B Street
Hayward, CA 94541-5007

SUITE 200

5933 WEST CENTURY BLVD.

LOS ANGELES, CA 90045

PHONE: 310-410-5700

FAX: 310-410-5777

RE: Proposed definitions of Hotel, Motel and Extended Lodging Facility

Honorable Commissioners:

Vista Inns Management Company operates the Vagabond Inn located at 20455 Hesperian Boulevard in Hayward. Dean Chapman, our general manager at that location has forwarded to us the notice of public hearing pertaining to the proposed change of definitions for "hotel" and "motel" and the addition of a definition for "extended lodging facilities."

Our many concerns about the proposed definitions are enumerated below.

1. As innkeepers we clearly understand the legal distinctions between a "guest" and a "tenant." In fact, our standard operating procedure requires senior management approval for any guest to stay longer than twenty-eight days in one of our facilities.

Exceptions occasionally are made to accommodate guests who, for example, are working in the community for an extended period or might be relocating to the area and are for some reason delayed in moving into their new residence. There are other examples as well, of guests who have a legitimate need to stay in temporary quarters for an extended period and for whom a rule imposing an arbitrary period of relocation would be a significant inconvenience if not a hardship.

We understand that the City of Hayward is deprived of its transient occupancy taxes on occupancies in excess of thirty days. We understand that a guest staying longer than thirty days has the right to claim status as a "tenant." Still, in an industry as competitive as ours, we feel strongly that it is in the mutual best interests of the City of Hayward as a visitor destination, the lodging facilities located within the city, and our guests who require special consideration to find ways to accommodate their needs.

2. Each of the seven items enumerated in the proposed definition of an extended lodging facility is commonly found in both hotels and motels. Certainly they are not unique to an extended lodging facility.

The Hayward Vagabond Inn offers message service, remote controlled, color televisions, desks/work tables, alarm clocks, wake up service and irons/boards on request. The Vagabond Inn has a swimming pool. The

general manager lives on premise and the front desk is staffed 24 hours daily. Guestrooms receive housekeeping services daily.

The Vagabond Inn shares its real property with a Carrows Restaurant so, as a "motel" we offer food service.

The distinctions between our rooms and those most commonly found in an extended stay lodging facility are that our rooms are (probably) smaller, do not include a kitchen or kitchenette (but may include "cooking facilities" – see following comment), and our rooms do not offer a "sitting room" or "living room" area.

"Hotels" may offer accommodations that do provide larger rooms and sitting or living areas as well as all of the items proposed to define an extended lodging facility. Thus, the distinction between hotel, motel and extended lodging facility is further blurred.

In the reality of today's lodging marketplace, the proposed distinguishing features offer no distinction at all.

3. How does the city define "cooking facilities?" The Vagabond Inn offers rooms equipped with small refrigerators, microwave ovens and coffee makers. Are these features "cooking facilities" as contemplated in the proposed definition?
4. The city's present and proposed definitions of "motel" are obsolete and demeaning, both to those of us who are professional innkeepers and to our guests.

If a "hotel" serves the general public, by what standard do you determine that a "motel" serves "automobile tourists and transients?" Are our guests arriving by air at Oakland International Airport to be regarded as transients? Or automobile tourists? They are neither. And what of the international visitors, students, business people, construction workers and others who make up the bread and butter of our business?

"Automobile tourist" became an archaic term in the '50's. "Transient," in contemporary usage, clearly has come to mean someone less desirable than a lodging property guest.

Must a "motel" be a "group of attached or detached buildings?" Is the multi-hundred-room, multi-story MOTEL 6 at Los Angeles International Airport a motel or a hotel, then?

Comment and criticism offered without constructive alternatives serve little purpose. In that vein we offer the following as more accurate, descriptive and contemporary definitions.

HOTEL or MOTEL: A building or buildings housing a business that offers to the general public overnight sleeping accommodations for which rent is paid daily, and that also may provide additional services and amenities such as:

Food service

Irons/boards

Computer data ports

Guest message service

Recreational facilities

Color television

In-room alarm clocks

Guest laundry

In-room movies

Hotels and Motels also shall have 24-hour per day on-site supervision and offer daily housekeeping service.

Hotels and Motels shall offer no provision for in-room cooking, which is defined not to include small refrigerators and microwave ovens where cookware and service utensils are not provided.

EXTENDED STAY LODGING FACILITY: A building or buildings housing a business operated as a hotel or motel, as elsewhere defined, and offering in its individual guest rooms or suites, kitchens, kitchenettes or other cooking facilities as allowed in any Zoning District where Hotels are permitted.

We are not attorneys, nor are we community planners. We are professional innkeepers offering the preceding comments with the goal of maintaining a healthy, competitive business environment in which we can fulfill our responsibilities to our guests, and that is consistent with the City of Hayward's need to plan and control the community's development.

Thank you for your serious consideration of our comments.

Sincerely,

VISTA INNS MANAGEMENT COMPANY

A handwritten signature in black ink, appearing to read 'David C. Britton', with a long horizontal flourish extending to the right.

David C. Britton, CHA
Vice President and Chief Operating Officer

DB/ms

Executive Inn

A Hanford Hotel

June 10, 2002

Hayward Planning Commission
777 B Street
Hayward, CA 94541-5007

Dear Members:

I am writing this in reference to the Text Amendment No. 2002-0241 which you will be considering at your meeting scheduled for June 13, 2002. I had hoped to attend the meeting, but find that I will not be able to do so.

Having managed hotels in the Bay area for 15 years I have never encountered a city ordinance that restricts the length of stay.

As the current General Manager of the Executive Inn Hayward, a hotel, I have concerns about the limitation of the length of a guest stay to 30 days.

We are considered a "transient" hotel, the average length of stay is 2 days. However, we do have occasions where a guest may stay for more than 30 days. For example: a guest who is here visiting a sick relative and the situation calls for them to stay more than 30 days. Would we ask them to leave? A businessman whose business requires that he be in the area for 31 days and is staying at our hotel, would we have him leave? Attorneys who have a case go longer than 30 days.....?

All of the above examples are actual situations that we have dealt with and would expect to deal with in the future. Not all of the traveling public wishes to stay at an "extended stay" facility for whatever their reasons and I feel that this limitation would interfere with our ability to do business with all segments of the travelling public.

Another question is, are microwave ovens considered to be "cooking units" Every hotel that I have been associated with, have had microwave ovens available to guests who request them. Under this new definition would that option be restricted?

I think I understand the concerns of the planning commission in regards to permanent residency and the occupancy tax issues, however, I would appreciate consideration for the concern over restricting "free trade"

Sincerely,



Mary L. Blackwell
General Manager



EXHIBIT C

~~The motion passed 6:0:1, with Commissioner Thnay absent.~~

2. Text Amendment No. 2002-0241 – David Davenport for Extended Stay America (Applicant): Request to Amend the Definition of Hotel to Allow Extended Lodging Facilities with Kitchenettes in Individual Rooms and to Amend the Definition of Motel and Hotel to Limit the Length of Stay

Associate Planner Pearson described the applicant's plan to build a new hotel at the site of the Southland cinemas. Staff supports the request for extended lodging facilities. He noted that the definition of "hotel" found in the City's Zoning Ordinance does not allow for kitchens in the guest rooms. He explained that the text amendment is a minor change to the Zoning Ordinance that will enable new hotels with appropriate amenities to locate in the City of Hayward. The amendment does not conflict with adopted policies of the General Plan or other Sections of the Zoning Ordinance. Staff recommended approval of the Text Amendment.

Principal Planner Patenaude said the Municipal Code provides for a period of 30-days as the maximum length of stay. The Code provides for an alternative when there is an agreement in writing between the transient and the hotel.

Commissioner Caveglia asked whether there are presently hotels that have longer-stay residents.

Principal Planner Patenaude indicated that the changes proposed do not change any present circumstances.

Commissioner Zermeno asked how the City would enforce the present Ordinance when someone stays longer than 30-days. He was told that the hotels have to provide a report to the Finance Department for the transiency tax.

Commissioner Williams expressed concerns regarding current motels and hotels and whether this is a trend to allow kitchenettes. He said he could foresee others doing this as well. It seems that this is opening up a situation where it turns out to be like an apartment. Unless there is different information, he said he would be reluctant to support this amendment. He asked what is special about this hotel.

Principal Planner Patenaude explained that the main issue is the extended stay and the cooking facility. The other items help to prevent from turning into permanent residential. A number of items needed to be provided as a hotel. The intent is for the hotel to provide a higher level of amenities.

Commissioner Sacks asked about the exception of getting a request for a longer stay in writing, and how this would differ from a lease.

Principal Planner Patenaude said the written arrangement would include continuation of stay as a transient, and the hotel would continue to pay transiency occupancy tax. If the hotel switches over to permanent residential they are not going to want to pay the tax. He said they would refer to the Municipal Code to avoid any conflicts.

Commissioner Sacks discussed the letter from Mary Blackwell who talked about a microwave as a cooking implement and what would be the difference in defining kitchen facilities.

Associate Planner Pearson explained that kitchen facilities require an electrical permit or a building permit.

Commissioner Sacks noted that neither microwaves nor refrigerators are prohibited in hotels and motels.

The public hearing opened at 8:18 p.m.

Dave Davenport, Extended Stay America, said it was not their intention to ask for a text change regarding the length of stay. He said that in the handful of hotels in California that they operate, their staff is required to check customers out and reregister them after a 30-day stay. He noted that this is clearly a problem with the tax. Their application was specifically to allow kitchenettes. People have changed their eating and health habits. This hotel is for the extended stay traveler. It uses traditional and standard hotel services, and offers both a weekly and a daily rate. With a guest staying longer than 30-days, they are entitled to a credit of the tax they pay. He commented that the conditional use permit governs them as a hotel, which is the same as all of them.

Commissioner Caveglia asked whether they have already purchased the property.

Mr. Davenport responded that they are working with General Growth Properties on the site, and will expect to get working on the use permit application as soon as reasonably possible.

Commissioner Williams asked how the zone change would be applied to others, if this applicant drops out. He was told that this amendment is not site specific but would apply to the whole City.

Chairperson Halliday asked whether the applicant was agreeable to the new language governed by the Municipal Code.

Mr. Davenport responded that he was not exactly sure that he understands what is and is not allowed under this ordinance. He said he thought he understood from Mary Backwell inferred that after 30-days the tax would no longer be applied. He commented that they operate hotels all over California and thought this might be unfair.

Principal Planner Patenaude said this change is not proposing not to do anything regarding the 30-day stay. What it is doing is to allow extended stay hotels to have kitchenettes, and requiring other amenities.



Mr. Davenport responded that as they look at over 440 hotels around the country, more than 4-7 percent of the guests stay longer than 30-days. He said the question is, are these guests who stay longer entitled to relief from the transient occupancy tax

Robert Canepa, General Growth Properties said he brought this chain to Hayward. This has opened up an opportunity for an extended stay hotel, which brings in the transient tourist. He commented that the cinema at Southland would not work there, so now have a vacant cinema. He added that this group fits in really well at that site and would be great for the City. He then commented on the various projects around the City whose principles have needed this kind of facility for long-term stays. He noted that they want more amenities, they will shop and eat in Hayward.

Sanjay Patel, Best Western Motel, commented that some of the hotels in Hayward already do have kitchenettes as well as guests who stay more than 30-days.

The public hearing closed at 8:26 p.m.

Commissioner Bogue commented that times do change and people need this sort of product. He **moved**, seconded by Commissioner Caveglia to support the staff proposal to recommend to Council the Adoption of the Negative Declaration and approve the text amendment subject to the findings of staff.

Commissioner Sacks said she agreed with the motion. She commented that she had just returned from a 3-week trip. Because of the nature of the trip, each night she was not interested in an extended stay facility. For those who need them, this could make all the difference in the world.

Commissioner Williams commented that the concept seems okay, but since it is not site specific, he still had questions. He said he would like to see other text changes instead of these. He said he would not support the motion. He did not believe enough thought had gone into this change. He suggested more caution. When you do something it applies to all.

Chairperson Halliday said she would support the motion. And commented that she was surprised there were no provisions for kitchenettes. She said this was a good idea. Since it is in her neighborhood she hopes it will work

The motion **passed** by the following vote:

AYES:	COMMISSIONERS Bogue, Sacks, Zermeno, Caveglia CHAIRPERSON Halliday
NOES:	COMMISSIONER Williams
ABSENT:	Thnay

ABSTAIN: None

3. **Zone Change No. 2002-0223 – Matthew Zaheri (Applicant):** Request to Change the Zoning from RH-SD2 (High Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) – The Property is Located at 704-748 Berry Avenue

Associate Planner Pearson described the property. He commented that one of the land use policies of the General Plan adopted by the City Council in March, 2002, was to concentrate new car dealerships within Auto Row, that portion of Mission Boulevard between Highland/Sycamore and Harder Road. This property consists of three parcels fronting on Berry Avenue. Rezoning the property would allow the dealership to use the property as part of the vehicle storage/display area. One piece of property is still occupied as a residence. The owner is not interested in selling at this time.

Chairperson Halliday asked whether, if approved, the residential properties would be non-conforming uses, what would be the restrictions regarding modifying these homes.

Associate Planner Pearson said they must be maintained in their existing condition. If the property were destroyed by more than 50 percent, it could not be replaced.

Chairperson Halliday asked whether the property owners have weighed in on zone change. She noted that the General Plan allows for more continuous commercial uses on Mission Boulevard, but this area is residential. She was told that this property would be merged with property on Mission and be part of the auto row.

Commissioner Sacks asked about the legal non-conforming uses. With the two houses, everything is fine until the owner sells or dies and it is part of the estate, what happens to that property.

Associate Planner Pearson says the status of the property does not change until the use changes.

The public hearing opened at 8:40 p.m.

Eric Douglas, resident on Berry Avenue, stated that this rezoning is incompatible with the neighborhood and the General Plan, since the General Plan indicated that the property along Mission was to be commercial, this property is on Berry, a residential area. He then noted that the rezoning was unnecessary since it is not accessible from Mission. He also stated that the auto use would greatly impact the traffic. He then suggested that if the rezoning were accepted, he and his neighbors would like the site plan reviewed by the Planning Commission and a sidewalk required along Berry as well as a traffic light at Berry and Mission for the auto dealership.

Chairperson Halliday said it is generally the City's policy that if concern expressed by neighbors, it will come to a public hearing.

Mr. Douglas then asked for a public hearing on this, if it approved.



CITY OF HAYWARD AGENDA REPORT

Meeting Date 06/13/02
Agenda Item 2

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: **Text Amendment No. 2002-0241 – Request to Amend the Definition of Hotel to Allow Extended Lodging Facilities with Kitchenettes in Individual Rooms and to Amend the Definition of Motel and Hotel to Limit the Length of Stay-David Davenport for Extended Stay America (Applicant)**

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the text amendment subject to the attached findings.

BACKGROUND:

Extended Stay America is interested in building a hotel on the site of the existing vacant movie theater building at Southland Mall. Each of the guest rooms would have a small kitchen as the hotel caters to business travelers staying more than a few days.

DISCUSSION:

The definition of 'hotel' found in the City's Zoning Ordinance does not allow for kitchens in the guest rooms. It reads as follows:

A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, but shall not include institutions where human beings are detained under legal restraint.

The definition was written to prohibit provisions for cooking due to concerns that hotels could evolve into single-room apartment units where the necessary amenities would not be available for permanent residents. Since the current definition was adopted, extended lodging facilities have become increasingly popular among business travelers. This type of hotel may be a great benefit for people working for or with Hayward's businesses on assignments of more than a few

days up to a month. Extended lodging facilities area also convenient for people moving to the area for new jobs until housing can be located.

The proposed definition (Attachment B) allows for kitchens in the rooms while ensuring that the facility would remain a high quality hotel with amenities such as in-room internet service, recreational facilities such as a pool and/or fitness room, and daily housekeeping service. Apartment buildings typically do not offer housekeeping, laundry and ironing services to tenants.

Correspondingly, the definitions of 'motel' and 'hotel' found in the City's Zoning Ordinance do not explicitly limit the length of stay for guests. The definition for 'motel' reads as follows:

A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

To prevent motels, hotels and extended lodging facilities from converting to apartment buildings or boarding houses, it is recommended that the definitions incorporate a maximum length of stay of 30 days. In addition, motel and hotel operators are responsible for paying the City's Transient Occupancy Tax for guests staying 30 days or less. The results of a survey about extended lodging facilities with responses from 13 other California cities reveal that it is common to limit the length of stay to 30 days for the same reasons.

ENVIRONMENTAL REVIEW:

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the text amendment.


PUBLIC NOTICE:

On May 24, 2002, notice that an Environmental Initial Study and Negative Declaration had been prepared was posted in the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches. On May 25, 2002, a Notice of Public Hearing for the Planning Commission meeting was published in the local newspaper, The Daily Review.

CONCLUSION:

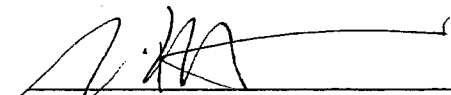
The text amendment is a minor change to the Zoning Ordinance that will enable new hotels with appropriate amenities to locate in the City of Hayward. The text amendment does not conflict with adopted policies of the General Plan and all other Sections of the Zoning Ordinance. Staff recommends that the Text Amendment be approved.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Approval
- B. Draft Definition
- C. Draft Negative Declaration and Initial Study

FINDINGS OF APPROVAL

TEXT AMENDMENT NO. 2002-0241

David Davenport for Extended Stay America (Applicant) Change the Definition of 'Hotel' and 'Motel'.

- A. Approval of Text Change Application No. 2002-0241 will not cause a significant impact on the environment as documented in the Initial Study prepared per the California Environmental Quality Act Guidelines;
- B. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the new definitions will allow new extended lodging facilities to serve business travelers and reserve all lodging facilities for tourism activities, which will, in turn benefit the local business community;
- C. That the proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the change is minor and does not conflict with any other ordinances or policies;
- D. That streets and public facilities existing or proposed will not be impacted and will continue to be able to serve all structures that would be impacted by adoption of this ordinance; and
- E. That allowing kitchens in individual guest rooms and limiting the length of stay will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the current definition of 'hotel' does not permit kitchens in individual rooms and the current definitions of 'motel' and 'hotel' do not specifically limit the length of stay.

ATTACHMENT A

Proposed Definitions:

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than 30 days, but shall not include institutions where human beings are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

1. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
2. Self-service laundry facilities shall be accessible to all guests.
3. Recreational facilities such as a pool, whirlpool/spa and/or fitness room shall be provided.
4. A 24-hour per day on-site supervisor shall be provided.
5. Housekeeping services including cleaning and linen service shall be offered daily to every guestroom.
6. Extended Lodging Facilities cannot be used for long-term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.
7. Extended lodging facilities may have a maximum continuous length of stay of 30 days with a 5-day interruption required before commencement of each such subsequent stay.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than 30 days,

ATTACHMENT B



CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Text Amendment No. 2002-0241 – Request to change the definition of “Hotel” in the Zoning Ordinance to allow extended lodging facilities with kitchenettes in individual rooms and to amend the definition of “Motel” and “Hotel” to limit the length of stay.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:


The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land.
4. The project will not result in significant impacts related to changes into air quality.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands.
6. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project will not lead to the exposure of people to hazardous materials.
8. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.
9. The project is consistent with the policies of the City General Plan and the Zoning Ordinance.
10. The project could not result in a significant impact to mineral resources.
11. The project will not have a noise impact and all interior noise standards as specified in the Noise Element of the General Policies Plan will be met.

12. The project will not result in a significant impact to public services.
13. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.
14. The project will not require additional service systems.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



Erik J. Pearson, AICP Associate Planner

Dated: May 6, 2002

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erikp@ci.hayward.ca.us.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division**

INITIAL STUDY CHECKLIST FORM

Project title: Text Amendment No. 2002-0241 – Request to Amend the Definition of Hotel to Allow Extended Lodging Facilities with Kitchenettes in Individual Rooms and to Amend the Definition of Motel and Hotel to Limit the Length of Stay

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Erik J. Pearson, Associate Planner (510) 583-4210

Project location: City-wide

Project sponsor's name and address: David Davenport
Extended Stay America
58 Mitchell
San Rafael, CA 94903

General Plan: NA

Zoning: NA

Description of project: Request to change the definition of "Hotel" in the Zoning Ordinance to allow extended lodging facilities with kitchenettes in individual rooms and to amend the definition of "Motel" and "Hotel" to limit the length of stay

Surrounding land uses and setting: NA

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

Erik J. Pearson, AICP Associate Planner

May 6, 2002
Date

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i><u>Comment:</u> The project will not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i><u>Comment:</u> The project will not damage scenic resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i><u>Comment:</u> The project will not affect the visual character or quality of the City of Hayward.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i><u>Comment:</u> The project will not create a substantial source of light.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i><u>Comment:</u> The project will not affect farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i><u>Comment:</u> The project will not affect farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i><u>Comment:</u> The project will not affect farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Comment: The project may have a positive impact on air quality as guests of a hotel with kitchenettes may generate fewer vehicle trips when not dining out.

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| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comments: The project will not negatively affect air quality.

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| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project will not negatively affect air quality.

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| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project will not negatively affect air quality.

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| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project will not negatively affect air quality.

IV. BIOLOGICAL RESOURCES -- Would the project:

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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project will not adversely affect biological resources.

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| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project will not adversely affect biological resources.

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| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project will not adversely affect biological resources.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i><u>Comment:</u> The project will not adversely affect biological resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i><u>Comment:</u> The project will not adversely affect biological resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? <i><u>Comment:</u> The project will not adversely affect biological resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not adversely affect historical resources.</i>				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not adversely affect historical resources.</i>				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not adversely affect historical resources.</i>				
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comments: The project will not adversely affect historical resources.</i>				
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not be affected by earthquake faults.</i>				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not be affected by seismic ground shaking.</i>				
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not be affected by seismic-related ground failure.</i>				
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not be affected by landslides.</i>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The project will not cause soil erosion.</i>				

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| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<i><u>Comment:</u> The project will not involve unstable geologic units or soil.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

<i><u>Comment:</u> The project does not involve the construction of a physical project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

<i><u>Comment:</u> The project does not involve the construction of a physical project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<i><u>Comment:</u> The project does not involve the construction of a physical project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<i><u>Comment:</u> See VII a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<i><u>Comment:</u> See VII a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<i><u>Comment:</u> See VII a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
<i>Comment: The project does not involve the construction of a physical project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
<i>Comment: See VII e.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
<i>Comment: See VII e.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
<i>Comment: See VII e.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?
<i>Comment: Any hotels constructed with kitchens in the guest rooms will meet all water quality standards.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
<i>Comment: Any hotels constructed with kitchens in the guest rooms will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Furthermore, recharge of the groundwater table will not be substantially affected.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
<i>Comment: The text amendment will not result in substantial erosion or siltation on-or off-site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? <i><u>Comment:</u> The project will not affect drainage patterns and will not cause flooding.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i><u>Comment:</u> The project will not will not have any affect on stormwater drainage.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <i><u>Comment:</u> See VIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i><u>Comment:</u> The text amendment will not create housing or any structures.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i><u>Comment:</u> See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i><u>Comment:</u> See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i><u>Comment:</u> The text amendment does not involve a specific location.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. LAND USE AND PLANNING - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community?
<i><u>Comment:</u> The project will not result in a physical development.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The text amendment is consistent with the General Plan.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: *The project will not result in a physical development.*

X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: *See X a.*

XI. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: *See IX a.*

Comment: *The text amendment will not expose people to excessive noise levels.*

XII. POPULATION AND HOUSING -- Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> See IX a.</i>				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> See IX a.</i>				
b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> See IX a.</i>				

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> The proposed project will have no effect upon, government services in fire and police protection, maintenance of public facilities, including roads, and in other government services.</i>				
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> See XIII a.</i>				
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> See XIII a.</i>				
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> See XIII a.</i>				
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> No other public facilities will be significantly impacted.</i>				

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i><u>Comment:</u> The text amendment will have no affect on parks or recreational facilities.</i>				

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| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: See XIV a.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

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| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The text amendment will have no affect on traffic of any kind.

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| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: See XV a.

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| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: See XV a.

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| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: See XV a.

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| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The text amendment will not affect emergency access.

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| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The text amendment will not affect parking.

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| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The project does not conflict with adopted policies supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not create wastewater.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Comment: See XVI a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Comment: The project will not affect storm water drainage.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Comment: The project will have no effect on water supplies.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>Comment: See XVI a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Comment: The project will not create solid waste.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>Comment: See XVI f.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
6/10/02

RESOLUTION ADOPTING THE NEGATIVE DECLARATION
AND APPROVING TEXT CHANGE APPLICATION NO.
2002-0241, DAVID DAVENPORT FOR EXTENDED STAY
AMERICA (APPLICANT)

WHEREAS, Text Change Application No. 2002-0241 requests an amendment to the Hayward Municipal Code Chapter 10, Article 1, the City's Zoning Ordinance, to change the definition of "hotel" and "motel" to address the needs to business travelers who seek lodging for an extended stay; and

WHEREAS, an initial study and negative declaration have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission, at its meeting of June 13, 2002, considered the matter and recommended approval of the text change and adoption of the Negative Declaration, and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby finds and determines that:

- (1) Text Change Application No. 2002-0241 has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effect on the environment, therefore it is determined that adoption of the Negative Declaration is the appropriate action.
- (2) Substantial proof exists that the proposed changes will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the new definitions will allow new extended lodging facilities to serve business travelers and reserve all lodging facilities for tourism activities, which will benefit the local business community.
- (3) That the proposed text change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the change is minor and does not conflict with any other ordinances policies and

the definition requires hotel operators to provide specific amenities designed to prevent hotel rooms from converting to de facto apartments.

- (4) That streets and public facilities existing or proposed will not be impacted and will continue to be able to serve all structures that would be impacted by adoption of the text change.
- (5) That allowing kitchens in individual guest rooms and limiting the length of stay will be compatible with present and potential future uses, and a beneficial effect will be achieved which is not obtainable under existing regulations in that the current definition of "hotel" does not permit kitchens in individual room and the current definitions of "motel" and "hotel" do not specifically limit the length of stay.

BE IT FURTHER RESOLVED, based on the findings noted above, that Text Change Application No. 2002-0241 is hereby approved, subject to the adoption of the companion ordinance amending the definition of "hotel" and "motel."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS;

ABSENT: COUNCIL MEMBERS:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

True
6/28/08

AN ORDINANCE AMENDING SECTION 10-1.3510 OF ARTICLE 1, CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE, DEFINITION OF "HOTEL" AND "MOTEL" IN THE ZONING ORDINANCE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. Section 10-1.3510 of Article 1 of the Hayward Municipal Code relating to the definition of "hotel" and "motel" in the Zoning Ordinance is hereby amended to read as follows:

"SEC. 10-1.3510 USES AND ACTIVITIES DEFINED

HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, and where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code, but shall not include institutions where human being are detained under legal restraint.

Extended Lodging Facilities, where kitchens, kitchenettes or other cooking facilities may be permitted within individual guest rooms, are allowed in any Zoning District where Hotels are permitted, subject to the following standards:

1. Each guestroom shall be provided with voicemail, dataports, desk, color television, alarm clock or wake up service. Irons and ironing boards must also be made available to guests upon request.
2. Self-service laundry facilities shall be accessible to all guests.
3. Recreational facilities such as pool, whirlpool/spa/ and/or fitness room shall be provided.
4. A 24-hour per day on-site supervisor shall be provided.
5. Housekeeping services including cleaning and linen service shall be offered on a regular basis to every guestroom.
6. Extended Lodging Facilities cannot be used for long-term occupancy (i.e. apartments, care facilities, boarding houses, etc.). Leases of any duration are prohibited.

7. Extended Lodging Facilities may have a maximum continuous length of stay no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit where a maximum continuous length of stay is no longer than that established for transiency pursuant to Chapter 8, Article 4 (Transient Occupancy Tax) of the City of Hayward Municipal Code.

Section 2. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of _____, 2002, by Council Member_____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the ____ day of _____, 2002, by the following votes of members of said City
Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward